

**Statement of Rationale**  
**Proposed Amendments to the Rules for Solid Waste Management**

The basis for the proposed amendments to Chapter 391-3-4 is to modernize the Solid Waste Rules. The Rules have been amended in a piecemeal fashion in the past; this amendment attempts to address the Rules in a more comprehensive fashion, including:

- Deleting outdated or inaccurate references;
- Providing EPD the ability to review permits on a five-year schedule;
- Allowing EPD to receive EPA approval for the state's CCR permitting program;
- Providing more flexibility in post-closure care periods for certain facilities;
- Providing more flexibility for composting operations;
- Clarifying requirements for Scrap Tire Sorters.

The Division met with stakeholders in August 2017 to receive input on draft amendments to Chapter 391-3-4. Stakeholder input was incorporated into the Rule through changes to the definitions and the permit review provision. Portions of the proposed rule amendments may increase cost to permitted facilities and other portions will reduce costs to permitted facilities. The proposed 5 year review of active solid waste disposal facilities may increase cost but will put the facilities on a schedule to evaluate and update their permits as necessary which may also decrease the amount of modifications to the permits, thereby potentially decreasing cost. Even if the costs do go up, the facilities will be reviewing and updating based on any regulatory, testing, construction, closure, and etc. updates and therefore will be more protective of human health and the environment. Facilities with necessary changes in the 5 year review will not incur any costs other than submitting paper work to that effect. Portions of the proposed rule amendments such as the potential for reduction in the post closure care period for construction/demolition, inert, and industrial landfills will reduce the cost of operation. Also, the increased flexibility for Class 2 compost facilities will reduce the cost of operation. EPD does not anticipate hiring new staff or asking for an increased budget to handle any increased workload.